

FOR CHILD WELFARE AGENCIES

**WAIVER GUIDELINES FOR CRIMINAL CONVICITONS
FOR CHILD WELFARE AGENCIES**

**PART I.
DEFINITIONS.**

The following words and terms, when used in conjunction with this chapter, shall have the following meanings:

“Adjudication” means the use of a judicial procedure to settle an issue.

"Applicant for licensure or registration" means all agents of child welfare agencies and family day homes, including owners, partners or officers of the governing board of a corporation or association, who have applied for licensure or registration.

"Barrier crimes" means certain crimes which automatically bar an individual convicted of the same from employment or volunteer services at child welfare agencies. They also prevent persons convicted of same who are screened as adoptive or foster parents by child-placing agencies, and caretakers approved by family day systems, from assuming such roles. In addition, barrier crimes prohibit licensure or registration of a child welfare agency if the applicant for licensure or registration has been convicted of same, and in the case of a family day home, if any other adult living in the home has been convicted of same. Barrier crimes also prohibit a child day center from operating under religious exemption from licensure if any other person who is expected to be alone with one or more children enrolled in the child day center has been convicted of same. These crimes are specified by § 63.2-1719 of the *Code of Virginia (Code)* and are listed in this document in Part III. Barrier Crimes.

"Central Criminal Records Exchange" means the information system containing conviction data of those crimes committed in Virginia, maintained by the Department of State Police, through which the criminal history record request is processed.

“Child welfare agency” means, as defined in § 63.2-100 of the *Code*, a child day center, child day center system, child-placing agency, children’s residential facility, family day home, family day system, or independent foster home. For purposes of this guidance package, the requirements also apply to foster or adoptive homes requesting approval or who are approved by child-placing agencies and foster homes requesting approval or who are approved by family day systems.

“Commissioner” means the Commissioner of the Virginia Department of Social Services, also known as the Director of the Department.

"Criminal history record request" means the Department of State Police form used to authorize the Department of State Police to generate a criminal record report on an individual.

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"Criminal history record report" means either the criminal record clearance or the criminal history record issued by the Central Criminal Records Exchange, Department of State Police. The criminal record clearance provides conviction data only related to barrier crimes. The criminal history record discloses all known conviction data.

"Employee" means all personnel hired at a facility regardless of role, service, age, function or duration of employment at the facility. Employees also include those individuals hired through a contract to provide services for the facility.

"Facility" means a: (i) licensed family day home; (ii) licensed family day system; (iii) licensed child-placing agency; (iv) licensed independent foster home; (v) licensed child day center; (vi) voluntarily registered family day home; (vii) family day home approved by a licensed family day system; (viii) foster and adoptive home approved by a licensed child-placing agency; and (ix) religious exempt child day center. For purposes of this guidance package, "facility" also means applicants to be a facility.

"Parent-volunteer" means someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program of care which operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to §63.2-1720 or §63.2-1724 of the *Code*.

"Requester" means the disqualified employee, volunteer, or operator. If the person disqualified is the other adult living in a family day home, the family day home operator is the requester.

"Sponsor" means the entity that will be supervising and monitoring the individual's performance if a waiver is granted. Applicants for licensure are their own sponsors. For applicants for voluntary registration, the sponsor is the registering contract agency; for applicants approved by a day care system, it is the licensed day care system. Child-placing agencies are the sponsors for foster and adoptive homes approved by child-placing agencies. For employment or volunteering, the sponsor is the facility or person that wants to hire or use the individual as a volunteer. For other adults living in the family day home, the family day home provider is the sponsor.

"Volunteer" means anyone who, without pay, at any time will be alone with any child in the performance of his duties and shall not apply to a parent-volunteer of a child attending such licensed or registered facility whether or not such parent-volunteer will be alone with any child in the performance of his duties.

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**PART II.
LEGAL BASE AND APPLICABILITY.**

Section 63.2-1723 of the *Code* allows any person who seeks to operate, volunteer or work at a child welfare agency, and who is disqualified because of a conviction in his criminal record review, pursuant to §§ 63.2-1702, 63.2-1707, 63.2-1720, or 63.2-1724, to apply in writing for a waiver from the Commissioner.

Section 63.2-1723 of the *Code* also allows any person who seeks to operate a family day home, and is disqualified because of a conviction in the criminal record review of any other adult living in a family day home regulated by the Department, to apply in writing for a waiver from the Commissioner.

The Commissioner, pursuant to the *Code*, §63.2-203, has the authority to administer the statute and assure that all laws pertaining to the Department of Social Services are carried out to their true intent and spirit. In this instance, issuance of guidelines provides temporary guidance for application of the statutory waiver requirements until the proposed permanent regulation is promulgated.

**PART III.
BARRIER CRIMES.**

- A. Barrier crimes for child welfare agencies are set out in §63.2-1719 of the *Code*. *Code* citations include felony and misdemeanor conditions. These misdemeanor convictions are barriers, unless the *Code* specifically states "only felony violations." The "only felony convictions" found in the *Code* in §63.2-1719 are §18.2-60.3 – "stalking" and §18.2-247 et seq. – "drugs." An annotated list of those barrier crimes from Title 18.2 of the *Code*, as referenced in §63.2-1719, appears below:

TITLE 18.2- CRIMES AND OFFENSES GENERALLY

CHAPTER FOUR - CRIMES AGAINST THE PERSON

Article One – Homicide (§18.2-30 et seq.):

Murder	18.2-30
Capital murder	18.2-31
First and second degree murder	18.2-32
Murder of a pregnant woman	18.2-32.1
Felony homicide	18.2-33
Voluntary manslaughter	18.2-35
Involuntary manslaughter	18.2-36.1

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Death outside the Commonwealth	18.2-37
 <u>Article Two – Crimes by Mob</u>	
Shooting, stabbing, etc. with intent to maim, kill, etc. by mob	18.2-41
 <u>Article Three - Kidnapping</u>	
Abduction and kidnapping	18.2-47 A
Abduction with intent to extort money or for immoral purposes	18.2-48
 <u>Article Four – Assault and Bodily Wounding (§18.2-51 et seq.):</u>	
Shooting, stabbing, etc. with intent to maim, kill, etc.	18.2-51
Malicious bodily injury to law enforcement officers or firefighters	18.2-51.1
Aggravated malicious wounding	18.2-51.2
Prohibition against reckless endangerment throwing objects	19.2-51.3
Maiming of another resulting from driving intoxicated	18.2-51.4
Malicious bodily injury means of caustic substance or agent or use of any explosive or fire	18.2-52
Possession of infectious biological substances	18.2-52.1
Shooting, etc. in committing or attempting to commit a felony	18.2-53
Use or display of firearm in committing felony	18.2-53.1
Conviction of assault and battery, as a lesser offense	18.2-54
Attempts to poison	18.2-54.1
Adulteration of food, drink, drugs, cosmetics, etc.	18.2-54.2
Bodily injuries caused by prisoners, probationers or parolees	18.2-55
Hazing unlawful, civil and criminal liability	18.2-56
Reckless handling of firearms; reckless handling while hunting	18.2-56.1
Allowing access to firearms by children	18.2-56.2
Assault and battery (simple assault or assault and battery)	18.2-57
Pointing laser at law enforcement (effective 7/1/00)	18.2-57.01
Disarming a law enforcement or correctional officer (effective 7/1/01)	18.2-57.02
Assault and battery against law enforcement	18.2-57.1
Assault and battery against a family or household member	18.2-57.2
 <u>Article Five - Robbery</u>	
(Robbery) How punished	18.2-58
Carjacking	18.2-58.1
 <u>Article Six – Extortion and Other Threats</u>	
Extorting money, etc., by threat	18.2-59
Stalking (Only "FELONY " violations)	18.2-60.3
 <u>Article Seven – Criminal Sexual Assault (§18.2-61 et seq.):</u>	
Rape	18.2-61
Carnal knowledge of child between 13 and 15 years of age	18.2-63

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Death of victim	18.2-63.1
Carnal knowledge of certain minors	18.2-64.1
Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or post-trial offender criminal	18.2-64.2
Marriage to child over fourteen	18.2-66
Dispositions of complaining witnesses	18.2-67
Forcible sodomy	18.2-67.1
Object sexual penetration	18.2-67.2
Marital sexual assault	18.2-67.2:1
Aggravated sexual battery	18.2-67.3
Sexual battery or attempted sexual battery	18.2-67.4
Infected sexual battery	18.2-67.4:1
Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery	18.2-67.5
Punishment upon conviction of third misdemeanor offense	18.2-67.5:1

CHAPTER FIVE - CRIMES AGAINST PROPERTY

Article One – Arson and Related Crimes (§18.2-77 et seq.):

Burning or destroying dwelling house, etc.	18.2-77
What not deemed dwelling house	18.2-78
Burning or destroying meeting house	18.2-79
Burning or destroying any other building or structure	18.2-80
Burning or destroying personal property, standing grain, etc	18.2-81
Burning building or structure while in such building or structure with intent to commit felony	18.2-82
Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.	18.2-83
Causing, inciting, etc., commission of act proscribed by §18.2-83	18.2-84
Manufacture, possession, use, etc., of fire bombs or explosive materials or devices	18.2-85
Setting fire to woods, fences, grass, etc.	18.2-86
Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized	18.2-87
Setting off chemical bombs capable of producing smoke in certain public building	18.2-87.1
Carelessly damaging property by fire	18.2-88

Article Two – Burglary and Related Offenses (§18.2-89 et seq.):

Burglary	18.2-89
Entering dwelling house, etc. with intent to commit murder, rape, robbery or arson	18.2-90
Entering dwelling house, etc. with intent to commit larceny, assault and battery or other felony	18.2-91

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Breaking and entering dwelling with intent to commit other misdemeanor	18.2-92
Entering bank, armed, with intent to commit larceny	18.2-93
Possession of burglarious tools, etc.	18.2-94

CHAPTER SEVEN - CRIMES INVOLVING HEALTH AND SAFETY

Article One - Drugs (§18.2-247 et seq.):

(Only "FELONY" violations in Article One)

Use of terms "controlled substances," "marijuana," " Schedules I, II, III, IV, V and VI" and "imitation controlled substance"	18.2-247
Manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give or distribute a controlled substance or an imitation controlled substance prohibited; penalties	18.2-248
Transporting controlled substances into the Commonwealth	18.2-248.01
Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana.	18.2-248.1
Professional use of imitation controlled substances	18.2-248.2
Prohibiting advertisement of imitation controlled substances	18.2-248.4
Illegal stimulants and steroids; penalty	18.2-248.5
Money laundering; penalty	18.2-248.7
Seizure of property	18.2-249
Possession of controlled substances unlawful	18.2-250
Person charged with first offense	18.2-251
Substance abuse screening and assessment for felony convictions	18.2-251.01
Drug Offender Assessment Fund	18.2-251.02
Possession or distribution of marijuana for medical purposes permitted	18.2-251.1
Possession and distribution of flunitrazepam	18.2-251.2
Penalty for possession and distribution of gamma-butyrolactone or 1,4-butanediol	18.2-251.3
Penalty for defeating drug and alcohol screening tests	18.2-251.4
Suspended sentence conditioned on submission to periodic medical examinations and tests	18.2-252
Disposal of seized substances	18.2-253
Destruction of seized substances prior to trial	18.2-253.1
Maintenance of custody of controlled substances	18.2-253.2
Commitment of convicted person to treatment for drug or alcohol abuse	18.2-254
Distribution of certain drugs to persons under eighteen prohibited	18.2-255
Distribution, sale or display of printed material advertising instruments used in administering marijuana or controlled substances to minors	18.2-255.1
Prohibiting the sale of drugs on or near certain properties	18.2-255.2

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Conspiracy to commit any offense in this article	18.2-256
Attempts to commit any offense defined in this article	18.2-257
Certain premises deemed common nuisance	18.2-258
Enjoining nuisances involving illegal drug transactions	18.2-258.01
Maintaining a fortified drug house; penalty	18.2-258.02
Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery	18.2-258.1
Penalties to be in addition to civil or administrative sanctions	18.2-259
Forfeiture of driver's license	18.2-159.1
Prescribing, dispensing, etc., drug except as authorized in article and Drug Control Act	18.2-260
Monetary penalty	18.2-261
Witnesses not excused from testifying or producing evidence	18.2-262
Exemptions	18.2-263
Inhaling drugs or other noxious chemical substance or causing, etc. others to do so	18.2-264
Charges for forensic laboratory analysis	18.2-264.01

Article Four – Dangerous Use of Firearms or Other Weapons

Shooting from vehicles so as to endanger persons	18.2-286.1
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Article Five – Uniform Machine Gun Act

Use of machine gun in crime of violence	18.2-289
Use of machine gun for aggressive purpose	18.2-290

Article Six – “Sawed-off Shotgun” and “Sawed-off Rifle Act”

Possession or use of "sawed-off " shotgun or rifle in crime of violence	18.2-300 A
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Article Eight – Miscellaneous Dangerous Conduct

Failing to secure medical attention for injured child	18.2-314
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CHAPTER EIGHT - CRIMES MORALS AND DECENCY

Article Three – Sexual Offenses and Prostitution

Taking, detaining, etc. person for prostitution, etc. or consenting thereto	18.2-355
Crimes against nature (only if children are involved)	18.2-361

Article Four – Family Offenses, Crimes Against Children, Etc.

Adultery and fornication by persons forbidden to marry; incest	18.2-366
Abuse and neglect of incapacitated adults	18.2-369
Taking indecent liberties with children	18.2-370
Taking indecent liberties with child by person in custodial	
Taking indecent liberties with child by person in custodial	

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or supervisory relationship	18.2-370.1
Abuse and neglect of children	18.2-371.1

Article Five – Obscenity and Related Offenses

Production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children; presumption as to age; severability	18.2-374.1
Possession of child pornography	18.2-374.1:1
Use of communications systems to facilitate certain offenses involving children	18.2-374.3
Employing or permitting a minor to assist in offense under this article	18.2-379

A conviction of the below offenses is only a barrier if a minor is employed or permitted to assist in the offense (§ 18.2-372 et seq.).

"Obscene" defined.	18.2-372
Obscene items enumerated.	18.2-373
Production, publication, sale, possession, etc., of obscene items.	18.2-374
Seizure and forfeiture of property used in connection with production of sexually explicit items involving children.	18.2-374.2
Obscene exhibitions and performances.	18.2-375
Advertising, etc., obscene items, exhibitions or performances.	18.2-376
Placards, posters, bills, etc.	18.2-377
Coercing acceptance of obscene articles or publications.	18.2-378
(This citation is in the Article 5 list above)	18.2-379
Punishment for first offense.	18.2-380
Punishment for subsequent offenses; additional penalty for owner.	18.2-381
Photographs, slides and motion pictures.	18.2-382
Exceptions to application of article.	18.2-383
Proceeding against book alleged to be obscene.	18.2-384
Section 18.2-384 applicable to motion picture films.	18.2-385
Showing previews of certain motion pictures.	18.2-386
Unlawful filming, videotaping or photographing of another; penalty.	18.2-386.1
Indecent exposure.	18.2-387
Profane swearing and intoxication in public; penalty; transportation of public inebriates to detoxification center.	18.2-388
Adoption of ordinances prohibiting obscenity.	18.2-389

CHAPTER TEN CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

Article Seven – Escape of, communications with and Deliveries to Prisoners

Delivery of drugs, firearms, explosives, etc. to prisoners	18.2-474.1
Prisoner escaping from jail	18.2-477

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TITLE 53.1 - PRISONS AND OTHER METHODS OF CORRECTION

CHAPTER 7 - CRIMES AND CRIMINAL PROCEEDINGS INVOLVING PRISONERS

Article One – Crimes by Prisoners

Felonies by Prisoners

53.1-203

Exception: A child placing agency may approve as an adoptive parent an applicant convicted of not more than one misdemeanor as set out in the *Code*, §18.2-57 (simple assault or assault and battery) not involving abuse, neglect or moral turpitude, provided that ten years have elapsed following conviction.

B. Crimes in other states that are equivalent to those specified in subsection A of this section are also barrier crimes

C. Any felony other than those specified in subsection A of this section for which a person has been convicted in the past five years is a barrier crime. For any other adult residing in a family day home, the time period will also be five years.

D. Additional disqualifying conditions are:

- Prior adult convictions, juvenile convictions and adjudications of juvenile delinquency, if the offenses involved would have been a felony had the offender been an adult at the time of the offense;
- Having been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; or
- Residence in the home of a sex offender, either as the operator or as another adult who resides in the home.

**PART IV.
THE WAIVER PROCESS.**

General provisions.

A. Persons who can apply for a waiver are:

Persons disqualified from operating, working or volunteering at a child welfare agency because of a non-barrier crime felony conviction within the last five years.

Exception: The Commissioner shall not grant a waiver to any person who has been convicted

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of any of the crimes listed in Part III, Barrier Crimes.

Exception: The Commissioner **may** grant a waiver to a family day home regulated by the Department if any other adult living in the home of the applicant or provider has been convicted of no more than one misdemeanor offense of assault and battery offense or one assault and battery against a family or household member offense, provided (i) five years have elapsed following the conviction and (ii) the Department has conducted a home study including an assessment of the safety of children in the home and determined that the offender is now a person of good moral character and reputation.

The waiver will not be granted if the adult living in the home is an assistant or substitute provider or if such adult has been convicted of both simple assault or assault and battery and assault and battery against a family or household member.

B. The Commissioner may grant the waiver if he determines that:

1. The person is of good moral character and reputation, as determined by a Departmental home study; and
2. The waiver would not adversely affect the safety and well-being of children in the person's care.

C. Any waiver granted shall be available for inspection by the public.

D. The facility shall provide a copy of the waiver to every parent and guardian of the children in its care for any waiver granted for its operators, employees, volunteers, or other adult living in a family day home.

The application.

A. The application shall consist of a personally prepared waiver request and other documents required by this section.

B. The waiver request must be typewritten and must include the following:

1. A statement that the request was solely and personally prepared by the requester and that the content has neither been edited nor altered by another person, provided, however, that the document may have been typed by another person.
2. A statement that the requester understands that the waiver will be available for inspection by the public and that the facility will provide a copy of the waiver to every parent and guardian of the children in its care currently and in the future if the waiver is granted.
3. A statement that the requester understands that information in the waiver request and

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accompanying documents, except background check information, will be made available by the Commissioner to any person upon request if the waiver is granted.

4. Personal and employment information including:
 - a. Name;
 - b. Address;
 - c. Telephone number and other contact information;
 - d. Social security number;
 - e. Birth date;
 - f. Family members or other living arrangements;
 - g. Current employment; and
 - h. Employment history.
 5. A factual account of the crime, for which the offender was convicted, including the type of crime, dates, locales and circumstances.
 6. A factual explanation of the offender's history and current status with relevant justice systems.
 7. Any other information the requester wishes the Commissioner to consider, such as training, treatments, interests, hobbies, community involvement.
 8. An explanation of why the requester thinks the waiver should be granted, for example, how granting it would benefit all affected parties.
 9. Notarized signature and date.
- C. The application, which may include additional documents at the requester's discretion, must include the following:
1. A non-refundable check, made payable to "Treasurer of Virginia," in the amount of \$50 for application processing.
 2. A copy of the criminal history screening report that was the basis for disqualification.
 3. A copy of all necessary documents verifying the requester's statements regarding past and

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current involvement with relevant justice systems, for example, court orders, discharge papers, parole status reports, etc.

4. A statement by the sponsoring agency or facility, which specifies:
 - a. Type of position for which the requester is being considered;
 - b. Rationale for its decision to offer or consider employment, volunteer service, or approval to the individual;
 - c. Rationale for believing that accepting the individual would be in consumers' interests; and
 - d. Sponsor's plan for supervision and monitoring of the individual's performance if accepted.

Note: The sponsor shall state if the request is for any other adult residing in a family day home. The other adult may not be an assistant or substitute provider.

5. At least four references who will vouch for the offender's good moral character and reputation.
6. A statement by the sponsor that it will, if the waiver is granted and the individual is accepted, conscientiously comply, or assure compliance, with all posting and notification requirements for the duration of the waiver.

D. The requester shall be responsible for submitting the application to the Commissioner.

Evaluation of the request.

- A. The Commissioner may delegate all aspects of processing and evaluating the request, provided that responsibility for making the final decision may not be delegated below the level of a division director.
- B. The Commissioner shall evaluate the request and base his conclusions on at least the following considerations:
 1. Content of all submissions;
 2. Nature of the disqualifying offense or offenses and relevance to decision criteria;
 3. Extent and pattern of criminal history, including the age at commission and length of time since the disqualifying conviction occurred;

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4. In the case of prospective foster parents for a licensed child-placing agency, or for an independent foster home, a review of the criminal record requirements of the Safe Families and Adoption Act of 1997 to determine if this federal law would permit a waiver;
 5. In the case of a family day home disqualified due to any other adult living in the home having a misdemeanor conviction for an offense in §18.2-57 or §18.2-57.2 of the *Code*, a review of the Department's home study assessing the safety of children, and a determination that the offender is now a person a good moral character and reputation.
- C. The Commissioner may request additional information that is reasonable and necessary to evaluate the application.
- D. The Commissioner may interview the applicant or other individuals in the course of conducting an investigation sufficient to verify and evaluate the information received.
- E. The Commissioner may attach stipulations to the granting of the waiver that he may deem advisable, such as restrictions on the type of position, type of children in the individual's care, or proximity, nature of supervision required, etc.

The decision notification process.

- A. All notifications shall be sent concurrently to the requester, other adult if applicable, the sponsor, and the licensing, registering, or approving agency if different from the sponsor.
- B. The Commissioner shall acknowledge, in writing, receipt of the application and shall notify the requester and the sponsor whether the request appears to be complete.
- C. The Commissioner shall notify the requester, other adult if applicable, and the sponsor of his decision in writing by certified mail.
- D. If granted, the waiver shall be issued for a specific individual and a specific facility or agency and shall include the following:
1. Name of individual;
 2. Name of facility or agency;
 3. Effective dates;
 4. Terms and conditions;
 5. Stipulations, if any;

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6. Criminal conviction for which waiver was granted;
 7. Date of criminal conviction;
 8. Relevant court and location;
 9. Sentence served; and
 10. Signature of Commissioner and date.
- E. If the waiver application is denied, the requester shall be advised of the reasons for the denial.
- F. The Commissioner shall consider an application abandoned and close the file when the following circumstances exist:
1. More than 60 days have elapsed since the Commissioner advised the requester and the sponsor that the application was incomplete or since the Commissioner requested additional information reasonably necessary to evaluate the application; and
 2. The Commissioner warns the requester by certified mail that the application shall be ruled abandoned unless the requester responds with complete information within 15 days.

Modification, revocation, and expiration.

- A. The individual and the sponsor may request a modification to the waiver if a change is desired for any of the terms, conditions or stipulations. The Commissioner shall respond to the modification request after the information he requires is provided.
- B. The Commissioner may revoke a waiver if, after investigation, he determines that:
1. The application contained false, deceptive or misleading information;
 2. The terms, conditions or stipulations of the waiver have been violated; or
 3. New or expanded information becomes known about the individual that casts doubt on the individual's character, reputation or suitability to work with or be in proximity of children.
- C. If a waiver is revoked, the Commissioner shall advise, by certified mail, the requester and the sponsor of the reasons for the revocation.
- D. A waiver shall automatically expire when one of the following circumstances exists:
1. The individual terminates the approved arrangement with the sponsoring facility;

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2. The waiver expiration date, which shall not exceed five years from the date of conviction for a felony non-barrier crime, is reached; or
3. The other adult living in a family day home was the reason for the waiver and the other adult no longer lives in the home.

Posting and parental notification.

- A. Any facility employing staff, allowing volunteers, operated by a person, or a family day home with an other adult whose disqualification has been waived by the Commissioner shall post a copy of the waiver in a conspicuous place on the premises.
- B. For any individual for whom a waiver was granted, at the time the person accepts employment, volunteer service, is allowed to begin operating a facility, or begins to live in a family day home, the facility shall provide a copy of the waiver to every parent and guardian of the children in its care.
- C. Prior to enrollment, each parent or guardian of a child who is a prospective new admission to a facility shall be provided, by the facility, a copy of any waiver granted for its employees, volunteers, operators or other adults residing in a family day home.
- D. A child-placing agency shall provide a copy of the waiver to the parents or other legal guardian if their child is placed with a foster parent whose disqualification has been waived by the Commissioner.
- E. In parental placement adoptions, a child-placing agency shall provide a copy of the waiver to the birth parents if their child is to be placed with an adoptive parent whose disqualification has been waived by the Commissioner.

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WAIVER OF CRIMINAL CONVICTION

The Virginia Department of Social Services grants a waiver of criminal conviction according to the following conditions:

Name of person receiving a waiver:

Name of requesting facility or agency:

Beginning and ending dates of the waiver:

Terms and conditions of the waiver:

Stipulations of the waiver, if any:

Criminal conviction for which the waiver is granted:

Date of the criminal conviction:

Relevant court and location of court:

Sentence served:

Date of signature

Commissioner or designee

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